

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

)
DWIGHT RUSSELL, et al.)
)
Plaintiffs,)
)
v.) Case No. 4:19-cv-00226
) (Class Action)
HARRIS COUNTY, TEXAS, et al.) The Honorable Lee H. Rosenthal
) Chief U.S. District Judge
Defendants.)
)

FOURTH DECLARATION OF ALEX BUNIN

1. My name is Alex Bunin. I am the Chief Public Defender for Harris County. I have practiced in the Harris County criminal courts since 2011, and before that from 1986-1993. I have been licensed in Texas since 1986 and I am Board Certified in Criminal Law and Criminal Appellate Law by the Texas Board of Legal Specialization.
2. I submitted several prior declarations in the above-captioned lawsuit in April 2020. Dkt. 66-5; Dkt. 74-1; Dkt. 76-1; Dkt. 127-1. I have reviewed those declarations, which describe the felony bail system in Harris County, and confirm that the statements therein remain accurate, subject to the few changes discussed below.
3. In addition, Sarah Wood, who is General Counsel for my office, previously submitted two declarations in this matter. *See* Dkt. 32-4; Dkt. 111-1. I have reviewed those declarations, and confirm that they, too, accurately describe the felony bail system.
4. In my second and third declarations, I explained that a felony arrestee's preliminary appearance in the criminal district court is not an opportunity for an individualized bail hearing, and that obtaining an on-the-record evidentiary hearing typically takes weeks, if not months, depending on the court. Dkt. 74-1; Dkt. 76-1; Dkt. 127-1. That remains true today.
5. There's no policy or procedure requiring judges to hold an individualized evidentiary bail hearing for anyone who cannot afford the financial condition of release set in their case. And when an attorney files a motion or petition seeking such a hearing, there is no policy or procedure requiring the judge to hold a hearing within a certain amount of time.

6. In my office's experience, when an attorney requests an individualized bail hearing for their detained client, that hearing typically does not occur until weeks—and sometimes months—after the request. That hearing is the arrestee's first opportunity to present evidence in support of their argument on bail.
7. I have reviewed the third declaration of Sarah Wood dated November 18, 2022, which analyzes a sample of habeas petitions seeking a reduction in bail where a hearing occurred, finding that an average of 52 days elapsed between a petition being filed and a hearing taking place. The statements made in that declaration align with my experience, and I agree with them in their entirety.
8. One change that has taken place since my prior statements is the passage of Senate Bill 6 (S.B. 6) in 2021.
9. Under S.B. 6, judges and hearing officers believe they are prohibited from releasing on unsecured bond anyone charged with certain enumerated offenses "involving violence," or charged with a felony while on bail or community supervision for such an offense. The only way for someone to be released in these types of cases is through payment of secured money bail.
10. S.B. 6 also requires judges and hearing officers to consider a "Public Safety Report," consisting of a person's criminal history when setting bail. This has been interpreted to bar standing release orders like the Felony Bail Schedule and the General Order Bonds. All people arrested for felonies are now detained until judicial review.
11. Local officials' interpretation of S.B. 6, and the continued arrest and prosecution practices of the Houston Police Department, Harris County Sheriff's Office, and Harris County District Attorney's Office have caused overcrowding, particularly in the Joint Processing Center, and increased delays in appointment of counsel and court appearances.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability

DocuSigned by:


Alex Bunin
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Alex Bunin

11/22/2022

Date